

Swindon Safeguarding Partnership

Information Sharing Agreement

# Associated Documentation

This Personal Information Sharing Agreement (PISA) is made under, (name of over-arching Information Sharing Protocol/s that apply)

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| 1. Wiltshire Information Sharing Charter (WiSC) 2. Swindon Safeguarding Partnership – Multi Agency safeguarding arrangements for children and adults at risk |

# Parties to the Personal Information Sharing Agreement

Note: Organisations who are signing up to the Personal Information Sharing Agreement must also be signatories to one of the over-arching information sharing protocols as listed above.

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| Organisation Name: Swindon Safeguarding Partnership |
| Organisation Address: Civic Offices, Swindon, SN1 2JH |
| DPA Registration Number: ZA538075 |

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| Organisation Name: Swindon Borough Council |
| Organisation Address: Civic Offices, Swindon, SN1 2JH |
| DPA Registration Number: Z5267246 |

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| Organisation Name: Probation Service CRC |
| Organisation Address: |
| DPA Registration Number: |

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| Organisation Name: Probation Service NPS |
| Organisation Address: |
| DPA Registration Number: |

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| Organisation Name: NHS England |
| Organisation Address: |
| DPA Registration Number: |

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| Organisation Name: Public Health |
| Organisation Address: |
| DPA Registration Number: |

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| Organisation Name: Care Quality Commission |
| Organisation Address: |
| DPA Registration Number: |

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| Organisation Name: Trading Standards |
| Organisation Address: |
| DPA Registration Number: |

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| Organisation Name: Swindon Health Watch |
| Organisation Address: |
| DPA Registration Number: |

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| Organisation Name: Wiltshire Police |
| Organisation Address: |
| DPA Registration Number: |

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| Organisation Name: Swindon Advocacy Movement |
| Organisation Address: |
| DPA Registration Number: |

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| Organisation Name: Swindon CCG |
| Organisation Address: |
| DPA Registration Number: |

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| Organisation Name: Swindon Borough Council Housing Services |
| Organisation Address: |
| DPA Registration Number: |

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| Organisation Name: Learning Disabilities Partnership Board |
| Organisation Address: |
| DPA Registration Number: |

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| Organisation Name: SBC Community Safety |
| Organisation Address: |
| DPA Registration Number: |

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| Organisation Name: Dorset & Wiltshire Fire and Rescue |
| Organisation Address: |
| DPA Registration Number: |

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| Organisation Name: Nissi Care Solutions |
| Organisation Address: |
| DPA Registration Number: |

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| Organisation Name: Penponds Home Care |
| Organisation Address: |
| DPA Registration Number: |

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| Organisation Name: Swindon Carers Centre |
| Organisation Address: |
| DPA Registration Number: |

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| Organisation Name: Avon & Wiltshire Partnership NHS Trust |
| Organisation Address: |
| DPA Registration Number: |

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| Organisation Name: Great Western Hospital NHS Foundation Trust |
| Organisation Address: |
| DPA Registration Number: |

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| Organisation Name: South Western Ambulance Service |
| Organisation Address: |
| DPA Registration Number: |

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| Organisation Name: British Transport Police |
| Organisation Address: |
| DPA Registration Number: |

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| Organisation Name: CAFCASS |
| Organisation Address: |
| DPA Registration Number: |

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| Organisation Name: NSPCC |
| Organisation Address: |
| DPA Registration Number: |

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| Organisation Name: Oxford Health NHS Trust |
| Organisation Address: |
| DPA Registration Number: |

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| Organisation Name: Swindon College |
| Organisation Address: |
| DPA Registration Number: |

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| Organisation Name: New College |
| Organisation Address: |
| DPA Registration Number: |

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| Organisation Name: Abbey Meads School |
| Organisation Address: |
| DPA Registration Number: |

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| Organisation Name: Lawn Manor School |
| Organisation Address: |
| DPA Registration Number: |

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| Organisation Name: Uplands School |
| Organisation Address: |
| DPA Registration Number: |

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| Organisation Name: Koalas Opportunity Group |
| Organisation Address: |
| DPA Registration Number: |

# Purpose of the Personal Information Sharing Agreement

(This statement should explain the purpose and why there is a need share information between organisations)

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| 1. The safeguarding partners in Swindon are committed to a partnership model that focuses on continuous learning and improvement with a clear line of sight on frontline safeguarding practice. The partners will promote a shared commitment to work together to improve outcomes for children and adults at risk. 2. The Swindon Safeguarding Partnership will support, enable and challenge each other to work together to: 3. • Provide effective and informed leadership to the local safeguarding system; 4. • Deliver their shared responsibility for the safeguarding of children, young people and adults at risk in the borough; 5. • Promote positive working relationships with each other and children, adults and families; 6. • Identify and act on learning, and   • Provide assurance to the Swindon community |

# Lawful basis for information sharing

(State details of the legal basis for information sharing as set out in Article 6 GDPR)

*NOTE: If special category data is to be shared, then a further legal basis will be required from Article 9 GDPR*

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| The processing of information will satisfy:  Personal Data (General Processing):   * Article (6) (1) (c) General Data Protection Regulation (GDPR) 2016; the processing is necessary for compliance with a legal obligation to which the controller is subject; * Article (6) (1) (e) General Data Protection Regulation (GDPR) 2016; the processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller;   Special Category Data (General Processing):   * Article 9 (2) (b) General Data Protection Regulation (GDPR) 2016; the processing is necessary for the purpose of carrying out the obligation and exercising specific rights of the controller or of the data subject in the field of employment and social security and social protection law in so far as in so far as it is authorised by Union or Member state law providing for appropriate safeguards for the fundamental rights and the interests of the data subject; * Article 9 (2) (g) General Data Protection Regulation (GDPR)2016 the processing is necessary for reasons of substantial public interest, on the basis of Union or Member State law which shall be proportionate to the aim pursued, respect the essence of the right to data protection and provide for suitable and specific measures to safeguard the fundamental rights and the interests of the data subject;   Law Enforcement Data (Part 2 Processing):   * Article 10 General Data Protection Regulation (GDPR) 2016; Processing of personal data relating to criminal convictions and offences or related security measures based on [Article 6](https://gdpr-info.eu/art-6-gdpr/) (1) shall be carried out only under the control of official authority or when the processing is authorised by Union or Member State law providing for appropriate safeguards for the rights and freedoms of data subjects. * Data Protection Act (2018), Part 2, section 10 (5); The processing meets the requirement in Article 10 of the GDPR for authorisation by the law of the United Kingdom or a part of the United Kingdom only if it meets a condition in Part 1, 2 or 3 of Schedule 1 * Data Protection Act (2018), Schedule 1, Parts 1, 2, and 3:   Employment, social security and social protection  Health or social care purpose  Public Health  Law Enforcement Data (Part 3 to Part 2 Processing):  Personal data, including Special Category Personal Data collected under DPA 2018 Sections 29-31 for the law enforcement purpose will only be transferred from DPA 2018 Part 3 into DPA 2018 Part 2 processing as special category personal data where a condition in DPA 2018 Schedule 8 is met. The data will then be processed as special category data where the requirements and conditions are met as set out above in paragraph (Part 2 processing).  DPA (2018), Schedule 8 Relevant Conditions:   * Statutory etc purposes * Protecting individual’s vital interests * Safeguarding of children and of individuals at risk   Relevant legislation includes:   * Human Rights Act 1998 * Care Act 2014 section 44 responsibilities * Common law duty of care * Common law duty of Confidence * The Equalities Act 2010. * Freedom of Information Act 2000 * Protection of Freedoms Act 2012 * The Mental Capacity Act 2005 * The Children Act 1989 (S17, S20, S31 and S47) * The Crime and Disorder Act (S115) * Caldicott Principles |

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| **Additional Legal Basis for Information Sharing**  For parents and children involved in crime and anti-social behaviour, the legal gateway is section 115 of the Crime and Disorder Act 1998, which allows the police, local authorities, health authorities, providers of probation services and other relevant agencies to share information about any person for a purpose linked to any provision under the Crime and Disorder Act, including where it is necessary for crime reduction.  In addition, section 17 of the Crime and Disorder Act 1998 recognises that local authorities have responsibility for the provision of a wide and varied range of services to and within the community. In carrying out these functions, section 17 places a duty on the local authority to do all they can to reasonably prevent crime and disorder in their area.  The local authority may also need to obtain data in relation to prisoners and adult offenders with parenting responsibilities, for which the main sources will be the National Probation Service, Community Rehabilitation Companies and prisons. This information can, in some circumstances, be shared under section 14 of the Offender Management Act, which permits the sharing of data that would assist with the supervision or rehabilitation of offenders.  For children who have not been attending school regularly, school census data collected for the Department of Education can be used, as well as Part 4 section 23 of the School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012 for Academies  For children who need support, information can be shared under Section 17 of the Children Act 1989.  For adults with care and support needs , the Care Act 2014 S14 and S42-46.  The Welfare Reform Act 2012 allows the Department for Work and Pensions to share data with the local authority without informed consent for the sole purpose of identifying troubled families.  To identify young people who are at risk of or are already not in education, training or employment, Sections 68 and 70 of the Education and Skills Act 2008 can be used to share information under the duty to encourage and assist young people to participate in education or training.  Mental Capacity Act, 2005 – for adults |

# Data Description / Data set to be routinely shared

(Provide details of the information that will be routinely shared under this agreement)

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| Information will be shared within the parties to this agreement to safeguard adults and children at risk.  The personal data shared will include special category and law enforcement data.  The personal data shared may include statistical, or large data sets, but include (not exhaustive list):   1. Personal identifiers; e.g. name, address and DOB 2. Details pertaining to physical and or mental health 3. Financial details 4. Relevant case information, including safeguarding referrals, and involvements with agencies, child protection and children looked after case information, anonymised wherever feasible and appropriate to do so. 5. Personal data relating to the employees (and equivalents; e.g Officer, Volunteers) of the parties to this agreement.   Please see Appendix 1 for further details of information sharing to support statutory functions of the Swindon Safeguarding Partnership. |

# How information will be shared and how frequently

The Board members will exchange relevant and proportionate information to allow for multi-agency themed audits to be conducted and to inform meetings and serious case reviews.

Meetings will be held at a frequency to be determined and agendas or items that require disclosure or discussion will be circulated to all parties in advance of these meetings and reviews. All relevant information will be shared via appropriately secure means, such as encrypted email, secure online portal, telephone, face-to-face meetings and signed-for post.

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| Such shared relevant information will always be no more than is necessary for the purpose and shared only on a ‘need to know’ basis. |

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# Restrictions on the use of shared information

Information will only be used for the purposes as outlined in Section 2 above. All identifiable information held by the Board will be destroyed securely within 3 months of the multi-agency audit being completed. Completed in this context means the report has been published and reviewed by the Swindon Safeguarding Partnership. Partners will securely dispose of any shared data in accordance with documented instructions from the Board, or in accordance with their own Retention & Disposal Policy, or as required by law.

NOTE – any different use from the above will either require written authority from the donor organisation or an overriding legal basis for change of use

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| 1. Background data held by the Board will be securely deleted within 3 months of completion of audits and reviews. 2. Information received may not be copied into other documents without written instruction or permission from the originating organisation, or the Board. 3. Information provided may not be used for an incompatible purpose without first consulting with the originating organisation. |

# Breaches of confidentiality

Any partner organisation that discovers a privacy breach relating to data received as part of this agreement MUST notify the donor partner within 24hrs of discovery, and co-operate in any post-breach actions that may be required.

Depending upon the seriousness of the breach this may be reported to the Information Commissioner’s Office within 72 hours of the breach being discovered. Where it is considered that criminal activity may also be involved the Police may also be informed as soon as practicable.

Where staff have failed to comply with organisational policies and procedures disciplinary action may be taken against them and in the case of a criminal offence legal proceedings may be taken against those responsible for the breach.

# Point of contact for parties to this Personal Information Sharing Agreement

(Single point of contact for each organisation that has signed the agreement)

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| Organisation name: Swindon Borough Council Children Services |
| Point of contact name: David Haley |
| Role: Director of Children’s Service |
| Contact details: DHaley@swindon.gov.uk |

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| Organisation name: Swindon Borough Council Adult Services |
| Point of contact name: Sue Wald |
| Role: Director of Adult Social Services |
| Contact details: Swald@swindon.gov.uk |

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| Organisation name: Probation Service CRC |
| Point of contact name: Richard Temple |
| Role: Assistant Chief for Gloucestershire |
| Contact details: Richard.Temple@workinglinkssecure.co.uk |

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| Organisation name: Probation Service NPS |
| Point of contact name: Amanda Murray |
| Role: Senior Operational Support Manager, Gloucestershire/Wiltshire LDU |
| Contact details: Amanda.Murray@justice.gov.uk |

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| Organisation name: NHS England |
| Point of contact name: Mark Tucker |
| Role: Safeguarding Assurance Projects Manager South (Central) |
| Contact details: mark.tucker4@nhs.net |

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| Organisation name: Public Health |
| Point of contact name: Frances Mayes |
| Role: Senior Public Health Manager |
| Contact details: FMayes@swindon.gov.uk |

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| Organisation name: Care Quality Commission |
| Point of contact name: Chloe Hawkins |
| Role: Compliance Manager |
| Contact details: Chloe.Hawkins@cqc.org.uk |

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| Organisation name: Trading Standards |
| Point of contact name: Carla Baker |
| Role: Trading Standards |
| Contact details: CBaker@swindon.gov.uk |

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| Organisation name: Swindon Health Watch |
| Point of contact name: Carol Willis |
| Role: Chair |
| Contact details: carolwillis@healthwatchswindon.org.uk |

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| Organisation name: Wiltshire Police |
| Point of contact name: Deb Smith |
| Role: Detective Superintendent and Safeguarding |
| Contact details: Deborah.Smith@wiltshire.pnn.police.uk |

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| Organisation name: Swindon Advocacy Movement |
| Point of contact name: Dawn Dixon |
| Role: Chief Executive Officer |
| Contact details: dawndixon@swindonadvocacy.org.uk |

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| Organisation name: Swindon CCG |
| Point of contact name: Gill May |
| Role: Director of Nursing & Quality |
| Contact details: gill.may@swindonccg.nhs.uk |

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| Organisation name: Swindon Borough Council Housing Services |
| Point of contact name: Mike Ash |
| Role: Head of Housing Services, Communities & Housing |
| Contact details: MAsh@swindon.gov.uk |

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| Organisation name: Learning Disabilities Partnership Board |
| Point of contact name: Ray Ballman (Cllr) |
| Role: Chair |
| Contact details: rayballmann@yahoo.co.uk |

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| Organisation name: SBC Community Safety |
| Point of contact name: Steve Kensington |
| Role: Community Safety Partnership |
| Contact details: Skensington@swindon.gov.uk |

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| Organisation name: Dorset & Wiltshire Fire and Rescue |
| Point of contact name: Ian Jeary |
| Role: Area Manager |
| Contact details: ian.jeary@dwfire.org.uk |

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| Organisation name: Nissi Care Solutions |
| Point of contact name: Linnet Chimbaza |
| Role: Director |
| Contact details: linnet@nissicaresolutions.co.uk |

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| Organisation name: Penponds Home Care |
| Point of contact name: Tina Ward-Smith |
| Role: Managing Director |
| Contact details: tinaward-smith@penpondshomecare.com |

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| Organisation name: Swindon Carers Centre |
| Point of contact name: Stuart Ilbury |
| Role: Safeguarding Lead Vulnerable Adults |
| Contact details: Stuart.Ilbury@swindoncarers.org.uk |

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| Organisation name: Avon & Wiltshire Partnership NHS Trust |
| Point of contact name: Lynn Franklin |
| Role: Head of Safeguarding |
| Contact details: lynn.franklin1@nhs.net |

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| Organisation name: Great Western Hospital NHS Foundation Trust |
| Point of contact name: Julie Marshman |
| Role: Chief Nurse |
| Contact details: Julie.marshman1@nhs.net |

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| Organisation name: South Western Ambulance Service |
| Point of contact name: Simon Hester |
| Role: Head of Safeguarding |
| Contact details: simon.hester@swast.nhs.uk |

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| Organisation name: British Transport Police |
| Point of contact name: John Angell |
| Role: Chief Inspector, Western Sub Division |
| Contact details: john.angell@btp.pnn.police.uk |

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| Organisation name: CAFCASS |
| Point of contact name: Deborah Murphy |
| Role: Senior Service Manager |
| Contact details: Deborah.murphy@cafcass.gov.uk |

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| Organisation name: NSPCC |
| Point of contact name: Ingrid Anson |
| Role: Service Manager for Swindon |
| Contact details: ianson@nspcc.org.uk |

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| Organisation name: Oxford Health NHS Trust |
| Point of contact name: James Fortune |
| Role: Head of Service – Swindon, Wiltshire and BaNES |
| Contact details: james.fortune@oxfordhealth.nhs.uk |

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| Organisation name: Swindon College |
| Point of contact name: Tanya Musty |
| Role: Student Engagement Officer |
| Contact details: tanyamusty@swindon.ac.uk |

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| Organisation name: New College |
| Point of contact name: Duncan Webster |
| Role: Head of Student Services & Safeguarding |
| Contact details: Duncan.Webster@newcollege.ac.uk |

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| Organisation name: Abbey Meads School |
| Point of contact name: Bob Buckley |
| Role: Primary Schools (SAPH) |
| Contact details: head@abbeymeads.swindon.sch.uk |

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| Organisation name: Lawn Manor School |
| Point of contact name: Sandra Muir |
| Role: Principal, Churchfields |
| Contact details: smuir@lawnmanor.org |

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| Organisation name: Uplands School |
| Point of contact name: Fiona Clark |
| Role: Headteacher |
| Contact details: fclark@uplands.swindon.sch.uk |

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| Organisation name: Koalas Opportunity Group |
| Point of contact name: Stephanie Hathaway |
| Role: Manager |
| Contact details: SHathaway@swindon.gov.uk |

# Personal Review and Termination

(Who will review the PISA, how often and by what method can the PISA be terminated)

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| This agreement will be reviewed by the persons listed at point (8) above annually.  Any partner wishing to, may terminate inclusion in this agreement in writing with no less than 12  Weeks’ notice. |

# Signatories to the Personal Information Sharing Agreement

(Signatures required from each organisation to formally agree the principles and practices of this agreement and this can be the **Information Asset Owner, Operations Lead, Head of Service, Data Protection Office, IG Lead**)

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| Organisation Name: |
| Position (see examples above): |
| Name: |
| Signature: |
| Contact details: |
| Date: |

APPENDIX 1 – Information Sharing Data Schedule

If recorded information required to be shared, the form below must be completed to record the sharing, either once for information being routinely shared, otherwise on a case by case basis. If it is in the public interest to share the information, record why you believe the information shared is relevant and proportionate.

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| **SAFEGUARDING INFORMATION SHARING FORM** | | | | | | | |
| **What data is it necessary to exchange?** | | | | | | | |
| **Data Set**  e.g. name, address, dob | **Who from**  Organisation / Team / Person | **Who to**  Organisation / Team / Person | **Why** | **Which Organisation owns the information?** | **Frequency of sharing** | **How will information be exchanged?** | **How long will data be held for by recipient organisation** |
| Name, address, dob of victim / perpetrator together with relevant case information necessary to investigate / assess safeguarding needs | Safeguarding partner holding initial information | Safeguarding partners holding relevant information | Protection of risk to individual’s’ safety and/or prevention of crime | The partner organisation who originally shares the information | As required | It may be exchanged in the following ways:  1.prior to a safeguarding meeting through secure, electronic encrypted means or secure hard copies;  2. verbally at a safeguarding meeting, through presentation of the information;  3. paper copies distributed at safeguarding meeting with clear guidance on subsequent security requirements e.g. all copies returned at end of meeting;  NB: all shared information is clearly marked with level of security required. | All data held by the Board will be deleted within 3 months of the information sharing purpose. Partners will securely dispose of any shared data in accordance with documented instructions from the Board, or in accordance with their own Retention & Disposal Policy, or as required by law. Some appropriately anonymised data may be retained for audit purposes. |
| Details which may include name, address in relation to a concern raised by a member of the public. Data may include information on the correspondent | Organisation contacted by member of public | Safeguarding partners holding relevant information | Protection of risk to individual’s’ safety and/or prevention of crime | Organisation contacted by the member of the public | As required | By secure email | All data held by the Board will be deleted within 3 months of the information sharing exercise. Partners will securely dispose of any shared data in accordance with documented instructions from the Board, or in accordance with their own Retention & Disposal Policy, or as required by law. Some appropriately anonymised data may be retained for audit purposes. |
| Limited personal identifiable data to enable cross referencing of records across agencies. Inclusion of relevant case information for the theme of the audit being completed | Safeguarding organisation who is the co-ordinator of the Audit (Swindon Safeguarding Partnership hosted by SBC) | Safeguarding partners holding relevant information | Multi Agency Themed Audits (E.g. Neglect) | Swindon Safeguarding Partnership hosted by SBC) | As required | It may be exchanged in the following ways:  1.prior to a safeguarding meeting through secure, electronic means or secure hard copies;  2. verbally at a safeguarding meeting, through presentation of the information;  3. paper copies distributed at safeguarding meeting with clear guidance on subsequent security requirements e.g. all copies returned at end of meeting;  NB: all shared information is clearly marked with level of security required. | All data held by the Board will be deleted within 3 months of the information sharing exercise. Partners will securely dispose of any shared data in accordance with documented instructions from the Board, or in accordance with their own Retention & Disposal Policy, or as required by law. Some appropriately anonymised data may be retained for audit purposes. |

If any further data is required over and above that included in this Data Exchange Agreement, contact should be made with the Data Protection Officer or Information Governance Officer of the sending organisation prior to the release of any information.